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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Trustees of the Teamsters Local 456 Pension, Health & Welfare, Annuity, Education & Training, S.U.B. Industry Advancement and Legal Services Funds and the Westchester Teamsters Local Union No. 456, ) Index # 07-CIV-11192 (CLB)

Plaintiffs, ) **DEFAULT JUDGMENT**

-against- )

T.J.R. EXCAVATING CONTRACTORS, INC., )

Defendant. )

This action having been commenced on December 12, 2007 with the filing of the summons and complaint and the summons and complaint were served upon the Employer on December 18, 2007 via New York's Secretary of State and proof of such service thereof was filed on December 26, 2007 and the defendant not having appeared, answered or otherwise moved with respect to the Complaint within the time allowed by law, and the time for appearing, answering or otherwise moving having expired it is,

**ORDERED, ADJUDGED AND DECREED:** that Plaintiffs have judgment against Defendant in the liquidated amount of Thirty Four Thousand Nine Hundred Seventy Five Dollars and Fifty Eight Cents (\$34,975.58) which includes the following: Benefit Fund Contributions due and owing in the sum of \$25,328.00 for the period 1/06-3/06, 9/06-12/06, 10/07-11/07; plus liquidated damages calculated at 10% of the principal amount owed to the ERISA Benefit Funds in the sum of \$2,532.80; interest at the rate of 10% per annum for each delinquent month through to February, 2008 in the sum \$2,554.09; back interest owed for the period 7/05-12/05, 4/06-7/06, 1/07-4/07 in the sum of \$331.49, attorneys' fees calculated at 15% of the principal delinquency amount in the sum of \$3,799.20; plus court costs and disbursements of this action in the sum of \$430.00.

ORDERED, that the Judgment rendered by the Court on this day in favor of the Plaintiffs is entered as a final judgment against Defendant and the Clerk of the Court is directed to enter such judgment forthwith.

Dated: White Plains, New York

*February 14,* 2008

So Ordered:

Charles Briant  
Honorable Charles L. Briant, U.S.D.J.